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IPW  
MS Appeal Brief  
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ARHAB, Rabah

Appl. No. 09/806,035

Group Art Unit: 3683

Filed: March 26, 2001

Examiner: NGUYEN

Title: HYDROKINETIC COUPLING APPLIANCE, IN PARTICULAR FOR  
MOTOR VEHICLE

**APPEAL BRIEF UNDER 37 C.F.R. 1.192**

Assistant Commissioner for  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

In follow-up to the Notice of Appeal filed April 2, 2004, and Notice of Notification of Non-Compliance of August 18, 2004, Appellant respectfully requests the Board of Patent Appeals and Interferences consider the following arguments and reverse the decision of the Examiner in whole. Applicant has concurrently filed an amendment to simplify the issues for appeal and an extension of time. Applicant hereby petitions for any necessary relief including extensions of time and authorizes the Commissioner to charge applicant charge account 50-0548 for any deficiencies.

- (1) **Real Party In Interest:** VALEO, 42 Rue Bayen, Paris, France 75017, by  
virtue of assignment recorded August 28, 2004, Reel 011781, Frame 0736.

(2) **Related Appeals and Interferences:** There are no known related appeals or interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

(3) **Status of Claims:** Claim 1 is pending. Claims 2-31 have been canceled. Applicant has concurrently filed an amendment herewith canceling claim 31 and incorporating the limitations of claim 31 into claim 1. Claim 1 remains the sole issue on appeal, and sole pending claim.

(4) **Status of Amendments:**

Applicant's amendment dated August 1, 2003 has been entered and considered by the Examiner. Applicant's Amendment dated February 2, 2004 was not entered by the Examiner. An advisory Action was mailed on March 1, 2004 indicating that the Examiner failed to enter the Amendment dated February 2, 2004 indicating that the term "rigidly" in claim 1 raised a new issue. While Applicant disagrees that the term "Rigidly" raises a new issue, in the interest to advance prosecution, Applicant has concurrently filed an amendment herewith removing the term "rigidly" from claim 1. The Examiner failed to enter the Amendment filed on June 2, 2004.

(5) **Summary of Invention:**

The present invention is directed to a hydrokinetic coupling apparatus for a motor vehicle. A casing is provided with a transverse wall, able to be fixed with respect to rotation to a driving shaft. A turbine wheel housed inside the casing and fixed to a hub is

able to be fixed with respect to rotation to a driven shaft. A first surface fixed to the transverse wall of the casing, a lock-up clutch acting between the said turbine wheel and the said transverse wall and includes a piston carrying a second surface extending opposite the first surface for disengageable connection to the transverse wall. The piston is connected to the external periphery of the casing by tongues being axially elastic, and the tongues are fixed to the piston and to the transverse wall thereby providing no degree of freedom between the tongues and either the piston and the transverse wall.

**(6) Issues:**

Whether claim 1 contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention under as required 35 U.S.C. 112 first paragraph.

**(7) Grouping of Claims:**

For the purposes of the present appeal, as the sole issue relates to matter under 35 U.S.C. 112 first paragraph, as claim 1 is the sole independent claim, and sole pending claim. However, substantively the claims are believed to be separately patentable. The reasons Appellant considers claim 1 in conformance with 35 U.S.C. first paragraph are detailed below under sub-paragraph (i) of Section (8) ARGUMENTS.

**(8) Argument:**

Sub-paragraph (i)

Claim 31 was rejected under 35 U.S.C. 112 first paragraph for containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention. Claim 1 has been amended to incorporate the limitations of claim 31 as presented in an amendment filed concurrently herewith. The Examiner erroneously asserts that axial movement between the tongues, piston and wall as recited on page 9, lines 4-7 is somehow in contrast to the language of claim 31, now claim 1. Applicant respectfully disagrees.

The connection between the tongue and each of the piston and wall does not preclude relative axially movement between the wall and piston. The tongue is connected to the piston and there is no relative movement there between. Similarly the tongue is mounted to the wall and there is no relative movement there between. The arrangement of the present invention, the connection between the tongue and each of the piston and wall being distinct from the rotational connection disclosed by Jandasek which will be discussed in more detail below. However, relative axial movement between the wall and piston is permitted by deformation of the axially elastic tongue 23. Thus the specification is not in contrast to the spring of claim 31 where no degree of freedom exist between the tongue and either the piston and transverse wall and thus claim 1 is believed to be in conformance with 35 U.S.C. 112. It is noted that the Examiner refused entry of the previous amendment filed on February 2, 2004 because of the recitation of the word "rigidly" in claim 1. Applicant believes that such word fails to raise a new issue as any connection that provides no degree of freedom inherently must be rigid. Nevertheless, the issue is now moot at the concurrently filed amendment has removed the term "rigidly". However, the recitation that the "tongues are fixed to the piston and to the

transverse wall thereby providing no degree of freedom between the tongues and either the piston and the transverse wall” Remains and such language is clearly supported by the specification.

Sub Paragraph (ii)

This sub-paragraph is not applicable to the instant appeal in so far as there are no present issues under 35 U.S.C. 112 second paragraph.

Sub-Paragraph (iii)

This sub-paragraph is not applicable to the instant appeal in so far as there are no issues under 35 U.S.C. § 102.

Sub-paragraph (iv)

This sub-paragraph is not applicable to the instant appeal in so far as there are no issues under 35 U.S.C. § 103 as sole independent claim 1 has been amended to incorporate the limitations of claim 31 and has not been substantively rejected..

Sub-Paragraph (v)

This sub-paragraph is not applicable to the instant appeal.

(9) An Appendix of claims is attached hereto.

### Conclusion

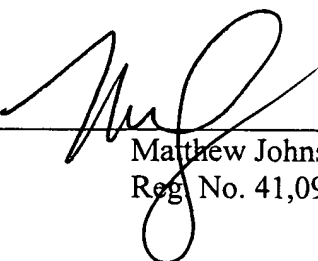
The foregoing arguments detail the failure of the Examiner's 35 USC 112 first paragraph rejection to survive scrutiny under the requirements of such rejections. The specification clearly provides adequate support for the language of claim 1 and the Examiner's rejections under 35 U.S.C. 112 should be reversed and such a decision by the Board is respectfully sought.

Respectfully submitted,

Date:

11-18-04

By:

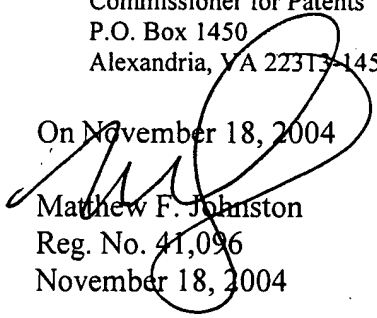
  
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On November 18, 2004

  
Matthew F. Johnston  
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### **APPENDIX OF CLAIMS ON APPEAL**

1. Hydrokinetic coupling apparatus (1) in particular for a motor vehicle, having a casing (30) provided with a transverse wall (3), able to be fixed with respect to rotation to a driving shaft, a turbine wheel (12) housed inside the casing (30) and fixed to a hub (14), able to be fixed with respect to rotation to a driven shaft, a first surface (1) fixed to the transverse wall (3) of the casing (30), a lock-up clutch acting between the said turbine wheel (12) and the said transverse wall (3) and comprising a piston (4) carrying a second surface (2) extending opposite the first surface (1) for its disengageable connection to the transverse wall, wherein the piston (4) is connected to the external periphery of the casing (30) by tongues being axially elastic, and wherein the tongues are fixed to the piston and to the transverse wall thereby providing no degree of freedom between the tongues and either the piston and the transverse wall.